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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

MAXIMILIAN KLEIN and SARAH
GRABERT, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC., a Delaware corporation
headquartered in California,

Defendant.

Case No. 5:20-cv-08570-LHK

**ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASE SHOULD
BE RELATED**

CIV. L.R. 3-12, 7-11

JESSICA L. LAYSER, individually and on
behalf of all others similarly situated,

Plaintiff,

v.

FACEBOOK, INC., a Delaware corporation
headquartered in California,

Defendant.

Case No. 3:21-cv-00337-LB

TO THE COURT AND ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Civil Local Rule 3-12, Plaintiff Jessica L. Layser submits this Administrative Motion for the Court to consider whether *Layser v. Facebook, Inc.*, No. 3:21-cv-00337-LB (filed Jan. 13, 2021) (attached as Exhibit A), should be related to *Klein et al. v. Facebook, Inc.*, No. 5:20-cv-08570-LHK (filed Dec. 3, 2020), the lowest-numbered case pending before this Court.

Under Local Rule 3-12(a), “An action is related to another when: (1) The actions concern substantially the same parties, property, transaction or event; and (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges.” Here, both criteria are satisfied.

The *Layser* and *Klein* actions arise from substantially the same transactions and events: Both allege that Facebook acquired and maintained illegal monopolies in social networking and connected markets through the same or similar conduct, including anticompetitive deception, misuse of data, and acquisitions. *Klein* proposes a consumer class and *Layser* proposes an advertiser class; the cases involve the same underlying conduct, markets, and alleged antitrust violations and therefore satisfy the local rule. *See Pepper v. Apple Inc.*, No. 11-CV-06714-YGR, 2019 WL 4783951, at *1 (N.D. Cal. Aug. 22, 2019) (antitrust cases concerning “the same technology and economic structures” were related when brought by differently situated market participants).

Given the common operative facts and defendant, and the similar requested relief, separate adjudication of *Klein* and *Layser* would result in an unduly burdensome duplication of labor and expense. In contrast, assignment of these cases to a single District Court Judge will conserve judicial resources and eliminate the potential for conflicting results. The actions are at a preliminary stage and thus assignment to a single judge would not prejudice any of the parties. For these reasons, Plaintiff Layser respectfully requests that the Court relate *Layser* to *Klein*, the first-filed action, under Local Rule 3-12.

Dated: January 26, 2021

Respectfully submitted,

By: /s/ Dena C. Sharp
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